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Designing a UN Peacekeeping Operation for the Occupied Territories

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Department of State

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Abstract

Designing a UN Peacekeeping Operation for the Occupied Territories

Catherine Barry

This paper examines the 1989 UN peacekeeping operation in Namibia, known as UNTAG, for ideas which may be applicable to a future UN peacekeeping operation to end the Arab/Israeli conflict in the West Bank and Gaza. Three UNTAG functions are reviewed - election supervision, police procedures, and military operations. Two UN administrative practices are also reviewed - chain of command and funding problems.

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One of the recent achievements of the Bush administration has been to bring the Arabs and Israelis to the negotiating table. Although the international community expects the negotiating process to be extremely slow, there is some hope that the parties will come to an agreement to diminish intra-communal strife within the Occupied Territories and to ameliorate the security threat of another war breaking out between Israel and her neighboring Arab states.

With a negotiating process underway, we should look ahead and consider some contingencies as to how conflict resolution might be implemented. Within the Middle East, the international community has usually relied on the United Nations to help resolve conflict. Several UN peacekeeping operations continue to operate within the context of the Arab/Israeli dispute - the United Nations Truce Supervision Organization (UNTSO), the United Nations Disengagement Observer Force (UNDOF), and the United Nations Interim Force in Lebanon (UNIFIL). (These operations are further identified in the appendix.) We should take a moment and consider whether the UN might be a useful player in implementing confidence-building measures within the Occupied Territories which might subsequently lead to a more encompassing peace agreement.

The UN has traditionally accepted the responsibility for monitoring cease-fire lines. With the United Nations Transition Assistance Group in Namibia (UNTAG), the UN expanded its role significantly. In addition to monitoring a cease fire between South African forces and Namibian national liberation groups, UN personnel acted as police and election monitors. Let us review the UNTAG experience to determine whether it provides an example from which we might project how a UN operation in the Occupied Territories could be configured to help Israelis and Palestinians diminish intra-communal conflict and advance an overall political settlement.

UNTAG Model

I find the UNTAG operation to be a good basis for looking at how the UN might operate within the Occupied Territories because there are a number of significant similarities between the intra-communal conflicts of Namibia and the Occupied Territories. They are:

--conflicts involving the concepts of self-determination and nation-building;

--territories formerly under UN mandates which generally adds to their international significance;

--conflicts which created large and politically active exile communities;

--conflicts which created armed liberation movements led by radical, charismatic leaders;

--significant hostility of the international community against the occupying power; and

--economic interdependence between the parties to the armed conflict.¹

The UNTAG example also demonstrates that it is possible to resolve a long-standing, deep enmity with international assistance once the parties to the conflict realize that the cost of continuing the conflict is too high. Negotiations concerning Namibian independence took many years and initially led nowhere. Eventually the political leadership of South Africa and the Namibian national liberation movements accepted international mediation. The UN subsequently became responsible for ensuring a prompt, equitable implementation of the peace agreement. Similarly, the deep enmity between Israel and her neighboring Arab countries will need international mediation to lay the foundation for confidence-building measures and to nudge the parties towards peaceful coexistence.

Should we use the United Nations?

Although the UN has frequently been relied upon to provide peacekeeping operations in the Middle East -- UNIFIL, UNDOF, and UNTSO operate within or adjacent to the Occupied Territories -- there are disadvantages to consider in seeking UN implementation of a peace agreement. Since the UN relies on consensus decision-making, the organization may not respond quickly enough to meet the belligerents' needs. Adequate financing is not easy for the UN to obtain. Some of the richer nations, particularly the United States, are complaining that they shoulder an inequitable financial burden. (The United States is presently assessed approximately 31 percent of the cost of peacekeeping operations.) In addition, the make-up of UN peacekeeping operations has been established in each case on a highly-politicized, ad hoc basis.

Israel does not trust the UN to be objective or neutral. It also fears that the UN would be incapable of guaranteeing its security, pointing out that UNIFIL personnel in southern Lebanon have been unable to stop terrorists from attacking northern Israel. Faced with the implementation of a peace agreement with Egypt in 1980, Israel was instrumental in establishing an independent peacekeeping force known as the Multinational Forces in the Sinai (MFO).

There are advantages to using the UN, however, rather than

an ad hoc organization such as the MFO. The UN is the best forum for the expression of an international consensus. A UN peacekeeping operation thus has very widespread and lasting support. Once committed, the UN is likely to stay in place for as long as the parties desire. (UNTSO, for example, has remained in the Middle East since 1948 albeit at significantly accumulating costs.) The UN is also a forum which has a wide pool of resources. It can distribute the financial burden of a peacekeeping operation over many participants and thus better ensure financial solvency. It can call upon military and civilian expertise of member states to support specialized missions. More importantly, the UN has a track record of experience which provides the belligerents the ability to assess the likelihood of obtaining success in implementing specific elements of a peace agreement.

What kind of peacekeeping operation?

A critical criterion for a UN operation is the mandate. A lack of precision about the extent of the peace agreement among the belligerents and the UN participants will likely cause failure. It took the Government of South Africa, Namibian liberation groups, and the UN ten years to reach the point at which an agreement could be implemented.

With regard to Namibia, the peace agreement contained three

functions all of which had wide international support - election supervision, police work, and cease-fire monitoring. Prior to the UN's arrival in Namibia, the details concerning appropriate election laws, police procedures, and security operations had not been worked out. There were contentious moments. For example, some South African administrators continued to intimidate Black Namibians and some SWAPO forces challenged the agreement by moving back into Namibia from sanctuaries in Angola. UNTAG was fortuitous, however, because the commitment of senior officials in South Africa and SWAPO to the peace agreement held as details were worked out with UN officials.

It would be far too risky to omit a detailed description of the procedures to be used by UN personnel in carrying out a peacekeeping operation in the Occupied Territories. Israel feels far too vulnerable to permit the UN to act unilaterally to set up key elements of either a political operation such as election campaigning or a para-military operation such as police patrols. Particularly since 1967, it has suffered calumny from numerous members of the UN General Assembly, especially the Arab states and the nations of the former Soviet bloc. On the other hand, the Palestinians would expect the UN to take over civilian, police, and military operations from Israeli officers as much as possible.

It is also essential that UN peacekeeping personnel be

proactive and not simply observers. In Namibia, they went out on police patrols, reviewed court decisions, worked out the release of political prisoners, and occasionally demanded reassignment of South African personnel who acted in an unprofessional manner. Most cases were resolved between South African officers and UN personnel at the working level in a professional, low-key manner. Success should also be attributed to the fact that the senior UN officer, Martti Ahtisaari, who had long been a participant in the negotiations, was well and favorably known to the Government of South Africa for his experience and professional objectivity.

Similarly, UN personnel should be expected to arbitrate between Israelis and the Palestinian residents of the Occupied Territories in order to create an environment in which confidence-building measures can succeed. In actuality, even the representatives of the International Committee of the Red Cross (ICRC) have incrementally taken on a proactive role within the Occupied Territories. In addition to undertaking their traditional humanitarian responsibility for protecting detainees, ICRC representatives intercede for the Palestinians with Israeli authorities on issues such as curfew passes and emergency food and health needs.

Let us take a look at three functions of the UNTAG operation

- election supervision, police functions, and military operations
- to determine how these functions might be undertaken in the

Occupied Territories. Let us also look at two other issues which affect all peacekeeping operations - chain of command and funding - to consider whether standard UN administrative practices would be adequate to support a mission in the territories.

Election Supervision

UNTAG effectively organized and supervised an election in Namibia which met the international community's objectives concerning fairness and timeliness. This was certainly the most innovative element of the UNTAG operation. There had never been an election in Namibia; it had been ruled by South Africa since 1915. The restrictions which South Africa had imposed on all types of political activity left the local population bereft of any appropriate experience in democratic procedures. The national liberation movements such as SWAPO also had no democratic tradition.

During the first phases of the UNTAG operation, the electoral process seemed doomed to failure for the following reasons.

--Members of a South African counterintelligence unit, which had not fully disbanded as called for in the UN

agreement, intimidated black voters, especially those who sympathized with SWAPO.

--South Africa failed to repeal all race and security laws affecting the election.

--The failure of the South African administrator to implement civil regulations concerning law and order as well as the elections in an impartial manner.

--Both parties, SWAPO and South Africa, accused the other of bringing in and registering voters from the outside.

--The South African-run media was biased, particularly concerning the activities of SWAPO. Black Namibians had no equal access to reach their mostly illiterate electorate as would be permitted in a fair electoral process.

--SWAPO guerillas staged several raids across the Namibian/Angolan border.²

UNTAG's chances for success initially looked somewhat bleak, but UN personnel effectively moderated South African behavior. For example, at the working level, UN officials reviewed voters

lists prepared by South Africans. They found deficiencies and successfully added voters to election registers. A few visible, high-level interventions were needed. The U.S. Government, whose intervention was key during the negotiating process, kept up pressure on the belligerents. The UN Security Council also maintained oversight and passed a resolution unanimously demanding that the parties, particularly South Africa, strictly comply with the peace agreement. The end result, much to UNTAG's credit, was a free and fair election.

The UN would be required to face similar problems in monitoring an election in the Occupied Territories. At present, the belligerents are considering holding municipal elections as a means by which Palestinians would become empowered to direct internal affairs in a more autonomous manner. Some problems would be:

--Which law applies? The territories are now subject to a confusing collection of laws and regulations from the Ottoman period, the British mandate, the Jordanian period and Israel's military occupation.

--Who administers the electoral process? Given the level of distrust between Israelis and Palestinians, I believe that Israeli administrators would have the same difficulties of acting impartially as did the South

African civil administrators.

--Who votes? Israel permitted municipal and local elections in the West Bank in 1976. It authorized Palestinian men and women whom it had registered as legal residents of the territories to vote. It is very difficult for Palestinians to maintain residency status if they accept employment outside Israel or the territories. Consequently, to use the 1976 voting standard, many Palestinians, other than the long term exiles, would be disenfranchised.

The problem of having an election in the Occupied Territories would be very similar to those seen in the early stages of Namibian transition to democracy, and thus should not be insurmountable. In order to hold local elections as part of a transitional process, the Palestinians would probably acquiesce to an Israeli demand that only registered residents may vote so long as Israel permits Arab residents of East Jerusalem to vote. Israeli officials would probably make a good faith effort to act in a non-discriminatory manner once committed to a specific election process.

Police Operations

In the Namibian context, the peace agreement stipulated that the existing police structure would remain in place during the transition to independence. This meant that South African officials continued to supervise the Namibian police force. UN personnel had two objectives. First, they reviewed the legal code and removed discriminatory statutes. Second, they acted as police monitors - going out on patrols, monitoring arrests, interrogations, and detentions of black Namibians, and reviewing evidence. (Most of the UNTAG personnel who worked as police officers were professional Indian police officers who worked in their home country with a legal code similar to the one South Africa had set up in Namibia.) Largely due to the professionalism of the UNTAG personnel, complaints from black Namibians of intimidation by South African officers declined. South Africa was also satisfied that UN personnel were objective and did not prevent South African officers from effectively maintaining law and order.

I perceive police operations to be the key to implementing successfully confidence-building measures between Israelis and Palestinians. In recent years, approximately 15,000 Palestinians, mostly young men, have been in Israeli detention facilities at any point in time. Virtually every Palestinian family has a specific complaint about Israel's internal security

measures. The international community finds a number of Israel's measures to be egregious such as administrative detention and collective punishment. The human rights report of the Department of State notes several problems concerning police operations such as:

--Israeli officials normally do not permit attorneys to visit detainees until after interrogation is complete and a confession, if obtained, has been made.

--Prosecutors may use secret evidence. Detainees and their attorneys do not have access to such evidence.

--An Israeli soldier may arrest without a warrant a Palestinian who has committed, or is suspected of having committed, a criminal or security offense.³

On the other hand, Israel has ample cause to worry about internal security. Most young Palestinian men undertake anti-Israeli measures such as stone-throwing, membership in proscribed political organizations, and attacks on Israeli civilians, among others. The traditional Palestinian leadership in the West Bank and Gaza (village elders, teachers, doctors, etc.) have lost the ability to moderate or stop violent behavior.

I perceive that the most difficult issue for the Israelis would be the repeal of restrictive security measures. Since there is no buffer zone between the territories and Israel proper, Israel cannot afford to permit an electoral campaign to degenerate into mass demonstrations and lawlessness. South Africa, unlike Israel, had large expanses of underpopulated areas to buffer it from outbreaks of violence within Namibia.

As in the UNTAG example, an agreement would have to provide for repeal of egregious security measures while preserving a local structure to keep law and order. I see no alternative to the existing police structure for the Occupied Territories which permits Palestinians to handle administrative and criminal cases under Israeli supervision. (Palestinian policemen resigned in December 1987 at the urging of PLO leaders. Their absence generally has harmed the Palestinian community since there is no one to fight crime or violence within the Palestinian community. They would probably return to work should the PLO so concur.) Israeli officers would probably continue directly to handle security cases, but so long as there would be UN monitoring of all phases of such cases, there should be a substantial decrease in the number of Palestinian complaints about abuse of power.

During 1991, the Department of State noted some improvements in the manner in which Israeli military commanders were handling police operations. They were concentrating on keeping law and

order in city centers and along main roads, rather than trying to stamp out all expressions of Palestinian nationalism in every village, school or market. The number of detainees dropped. Approximately 11,000 Palestinians were in military detention centers or regular prisons in December 1991.⁴ The Israeli Government is moderating its policies due to international attention to human rights violations, pressure from the U.S. Government, and the financial burden on the military of keeping significant personnel on patrol throughout the Occupied Territories.

Even with an eventual reduction of hostility in the territories under the aegis of the UN, there will be a need for Israel to remain vigilant and directly involved in police operations. Due to the fragmented nature of Palestinian political groups, I presume that there will continue to be some efforts by radical Palestinians to attack Israeli targets even while a UN peacekeeping operation is underway.

Military Operations

Under the Namibian peace agreement, armed forces of both South Africa and SWAPO were confined to garrison. For the most part, this solution kept the peace. It rested not on any superiority of arms of UN personnel, but on the willingness of

the UN to unleash countervailing force of the opponent. For example, SWAPO forces did attempt to cross into Namibia from Angola. The UN turned them back by threatening to use South African military units to counter-attack.

This military scenario probably has the least applicability to the Arab/Israeli dispute. The opponents' firepower is far more deadly and there are no buffer zones. Unlike South Africa, Israel cannot gamble with its security needs. It unceasingly strives for a 100% secure environment.⁵

It would be impossible for the Uⁿ to reassure Israel that its personnel could provide effective security. I believe that, at a minimum, Israel must have access to the Occupied Territories and existing armistice lines with her Arab neighbors so as to reassure its citizens that there will be no hostile surprises.

Probably the best alternative for the Palestinians in the initial peacekeeping stage would be the status quo in which UN personnel assigned to UNTSO, UNDOF, and UNIFIL already monitor the armistice lines. As an additional element, the agreement might also stipulate that Israeli military units may not create additional camps within the territories, but must rely on existing facilities.

It is tempting to want to give the UN more authority in

military affairs, but that would be short-sighted. As demonstrated by UNIFIL, foreign soldiers may easily become targets themselves. Certain local armed factions may begin to perceive foreigners as taking sides. More leeway in using force by the UN does not overcome deficiencies in planning reasonable objectives.

Chain of Command

Having established a mandate for the Occupied Territories, the UN would have to consider an appropriate chain of command. Traditionally, military activities were wholly separate from UN civilian activities in-country, and their respective commanders reported directly to UN Headquarters. All reports of violations are sent to New York Headquarters where they pass through an inefficient bureaucracy. Some individuals comment that this system incorporates an inadequate level of accountability and coordination in the field and at headquarters. (Mr. Brian Urquhart, the former UN Secretary-General, is one such individual who wants to reorganize the UN to make peacekeeping more efficient and innovative.)⁶

U.S. and other Western officials would appear to prefer making one UN officer responsible for the effectiveness and impartiality of the entire UN peacekeeping effort. The UN

military commander would thus be subordinate to an overall coordinator. The MFO in the Sinai does have such a chain of command system, and it has been responsive to the concerns of the principal parties, Egypt and Israel, as well as the international participants.

Nevertheless, I am skeptical that such a chain of command would be the best option for an operation in the Occupied Territories. Neither party to the conflict - neither Israel nor the Palestinians - have a tradition of strong linear authority. For example, Israeli regional military commanders in the Occupied Territories exercise significant discretion over both security and civilian issues within their districts. The Palestinians traditionally use a mixture of village elders, religious figures, and leaders of professional associations to direct the community's affairs. Both communities tend to negotiate solutions to individual situations rather than relying on detailed, transparent laws and regulations. They have also been doing so to resolve intra-communal issues since the 1967 occupation began which now amounts to 25 years. The communities also do not demand clear accountability of their leaders to the degree which we do in the West.

Rather than trying to change dramatically all of the parties' habits in their dealings with each other, it would be better to rely on a less hierarchical chain of command during the

initial confidence-building period. For UN personnel to deal with a series of regional representatives of the Israeli and Palestinian communities, rather than a centralized representative group, would mean initially an uneven implementation of peacekeeping measures. That would be a relatively small price to pay if the belligerents are comfortable with the arrangement. The true key to UN effectiveness would be in finding knowledgeable, competent UN officers, acceptable to the belligerents who would be willing to engage in a lively and daily give and take. Regional disparities in respect for the peace process would diminish as the process gained momentum.

A perennial problem which Israel has had with UN operations was the anti-Israeli bias of many UN member countries. Choosing soldiers to participate in Middle East operations such as UNTSO or UNDOF used to be problematic for this reason. Many UN member countries did not have diplomatic relations with Israel and/or have overtly hostile policies. This phenomenon has dramatically dissipated due to Israel's having successfully established diplomatic relations with China, the former Soviet Union, and many Third World countries. Choosing appropriate UN personnel for service in the Occupied Territories should no longer be as difficult a political process as it was.

Israel may propose to set up an independent peacekeeping force similar to the MFO in the Sinai to avoid the difficulties

of dealing in the more politicized UN arena. However, it is unlikely that the United States would again be a party to such an operation. The U.S. Government is increasingly reluctant to participate in an open-ended financial commitment to Israel.

Financial Issues

Financing has always been the Achilles heel of a UN peacekeeping operation. It is even more difficult today to ensure adequate financial support given the increasing number and size of such operations around the world. This year the UN is committed to adding two very large operations in Cambodia and Yugoslavia, but has yet to set aside adequate funds. (The Cambodia operation alone is estimated to cost 1.9 billion U.S. dollars for a sixteen month period.)

It will be particularly difficult to finance an adequate UN civilian and military peacekeeping operation in the Occupied Territories because it is likely that such an operation would endure for a long time. For example, despite the fact that peace between Egypt and Israel has endured for ten years, these nations and the United States continue to deploy the MFO in the Sinai. Israel will be reluctant to cut back any operation which effectively adds to its security. The Palestinians are just as likely to insist on keeping an effective arbiter between

themselves and the Israelis until such time as there is an encompassing solution to their political grievances.

The UN and the permanent members of the Security Council should consider funding military operations in the same fashion that the MFO is funded. Countries which contribute personnel to the MFO pay directly the base salary of their soldiers. The MFO pays only the incremental cost of maintaining soldiers on duty in place in the Sinai. The UN, however, reimburses governments for the troops and equipment as well as all operating costs.

Using the MFO financial model as a means of financing future UN peacekeeping operations would take into account the fact that many nations face a diminished military threat due to the demise of the Cold War. These nations, however, are reluctant to lose military capability. To assure their own security needs, such nations will keep soldiers on their payroll. The UN should take advantage of this situation. It can offer such nations opportunities for meaningful military experience for their soldiers, while being financially responsible only for the incremental costs of these soldiers' deployment in a UN theatre of operations.

Conclusion

The UNTAG model does provide a good example for how a UN peacekeeping operation could be set up in the Occupied Territories. Above all, it demonstrated the necessity for having a strong commitment to the peacekeeping operation among the belligerents to the conflict before UN operations begin in-country. If this precondition is met, appropriate officials will ultimately work out the details.

Israelis and Palestinians are weary of the debilitating status quo much as South Africans and Namibians became weary of their stagnant conflict. The Palestinian uprising, which began in December 1987, has gained international sympathy for their plight, but has failed to loosen Israel's hold on the Occupied Territories. Israel's reliance on a massive preponderance of force has lost it international support and diminished its economic strength. The fact that the belligerents entered into peace talks this year is evidence of their assessment that a new modus vivendi is needed.

The peace process will require a long gestation period and significant U.S. involvement. As in the Namibian case, no other third party is likely to have adequate standing with the belligerents to keep the peace process alive and to propose equitable concessions.

Although the U.S. Government may be essential in helping the belligerents reach a peace agreement, the international community should undertake implementation of the agreement. A pervasive international presence is key to helping Israelis and Arabs chip away at the extreme distrust which exists between them. A long transition period would be a far greater burden for the UN than the UNTAG operation in terms of cost and commitment of resources. UN Headquarters and individual members of the UN should prepare for such a contingency. There is no other viable organization which can undertake the full range of civil and military operations needed to bring about peaceful coexistence between Israelis and Arabs in a professionally objective manner.

End Notes

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APPENDIX

Selected United Nations Peacekeeping Operations

UNTAG - United Nations Transition Assistance Group

Location: Namibia. Duration: April 1, 1989 - March 31, 1990.
Expenditures: 416.2 million U.S. dollars appropriated. Actual expenses estimated to be 360 million U.S. dollars. Function: To supervise a free and fair election in Namibia for a constituent assembly and to maintain a cease-fire between South African forces and Namibian liberation groups.

UNTSO - United Nations Truce Supervision Organization

Headquarters: Jerusalem. Duration: June 11, 1948 to date.
Expenditures: Present annual costs are approximately 25 million U.S. dollars. Function: Originally established to supervise the truce in Palestine between Israeli and Arab forces. Presently assists UNDOF and UNIFIL in their tasks.

UNDOF - United Nations Disengagement Observer Force

Location: Golan Heights. Duration: June 3, 1974 to date.
Expenditures: Present annual costs are approximately 42 million U.S. dollars. Function: To supervise the cease-fire between Israel and Syria.

UNIFIL - United Nations Interim Force in Lebanon

Location: southern Lebanon. Duration: March 19, 1978 to date.
Expenditures: Present annual costs are approximately 160 million U.S. dollars. Function: To assist the Government of Lebanon in ensuring the return of its effective authority and to confirm the withdrawal of Israeli forces from southern Lebanon.

Financial data is current as of April 23, 1992 and was provided by the U.S. Department of State (UN System Administration).

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